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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,201	04/07/2006	Bjarne Due Larsen	50412/015002	5189
21559	7590	04/01/2010		
CLARK & ELBING LLP 101 FEDERAL STREET BOSTON, MA 02110			EXAMINER AUDET, MAURY A	
			ART UNIT	PAPER NUMBER
			1654	
			NOTIFICATION DATE	DELIVERY MODE
			04/01/2010 ELECTRONIC	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentadministrator@clarkelbing.com



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10534201	4/7/06	LARSEN ET AL.	50412/015002

EXAMINER

MAURY AUDET

ART UNIT	PAPER
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1654

20100325

DATE MAILED:

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Commissioner for Patents

The following action is sent because the amended claims are unsearchable. The 4th bond of one of the carbonyl groups in each of the 2 subgenuses now claimed is empty. The claims are indefinite as to what molecule is to be attached here. Leaving all the species claimed in dependent claims arguably now lacking antecedent basis. The Examiner indicated either a Final Rejection necessitated by amendment or a Form 90 communication could be sent, the latter giving a 1-month response period in which to correct this flaw. Applicant requested the 2nd option and indicated it was felt this was supposed to be H group (e.g. H2) and that amendment thereto to distinctly claim the invention would be carried out.

Additionally two other points were discussed:

1. Applicant agreed to positively amend by Markush group what is meant at position Rx as a "hydrophobic group", which is described in the specification, so that reasonable search of the art may be conducted on these subgenus, since a hydrophobic group leaves open an extremely broad class of molecules that could be attached here (art thereto; rendering an undue search burden).
2. Applicant indicated they will identify which species compounds of the 2 subgenus were tested (e.g. Table, Figure) and found to treat arrhythmias (claim 85) to put on record a representative number of species capable of carrying out the method of use.

Applicant is given one month or 30 days, whichever is longer, to respond hereto.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MAURY AUDET whose telephone number is (571)272-0960. The examiner can normally be reached on M-Th. 7AM-5:30PM (10 Hrs.). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).
MA, 3/26/2010

